

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JOHN BARRETT,

PLAINTIFF

V.

NO. 4:04CV366-M-B

SUPERINTENDENT OF MDOC, ET AL,

DEFENDANTS

ORDER DENYING MOTION FOR RELIEF FROM JUDGMENT

This *pro se* § 1983 conditions of confinement case was dismissed without prejudice on December 28, 2004, because there was no indication that plaintiff had exhausted the Administrative Remedy Program (ARP) of the Mississippi Department of Corrections. Before the court is a Motion for the Court to Clarify (docket entry 11) and a Motion for Reconsideration (docket entry 12). The two motions both ask that the case be reinstated and both allege the same grounds for relief, so they will be treated as one motion for relief from judgment pursuant to Rule 60(b), Federal Rules of Civil Procedure. After reviewing the original pleadings as well as the motion and the applicable law, the court concludes that the dismissal was correct in law and fact and that plaintiff has failed to produce a legal basis to alter the court's ruling. Therefore, the motion is **denied**.

SO ORDERED this 15th day of September, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE